United Nations A/67/L.37

General Assembly

Distr.: Limited
7 December 2012

Original: English

Sixty-seventh session
Agenda item 70
Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance

Andorra, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Safety and security of humanitarian personnel and protection of United Nations personnel

The General Assembly,

Reaffirming its resolution 46/182 of 19 December 1991 on the strengthening of the coordination of humanitarian emergency assistance of the United Nations,

Recalling all relevant resolutions on safety and security of humanitarian personnel and protection of United Nations personnel, including its resolution 66/117 of 15 December 2011, as well as Security Council resolution 1502 (2003) of 26 August 2003 and relevant statements by the President of the Council,

Recalling also all Security Council resolutions and presidential statements and reports of the Secretary-General to the Council on the protection of civilians in armed conflict,

Recalling further all relevant provisions of international law, including international humanitarian law and human rights law, as well as all relevant treaties,[1]

[1] These include, notably, the Convention on the Privileges and Immunities of the United Nations of 13 February 1946, the Convention on the Privileges and Immunities of the Specialized Agencies of 21 November 1947, the Convention on the Safety of United Nations and Associated Personnel of 9 December 1994, the Optional Protocol to the Convention on the Safety of United Nations and Associated Personnel of 8 December 2005, the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 and the Additional Protocols to the Geneva Conventions of 8 June 1977, and Amended Protocol II of 3 May 1996 to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects of 10 October 1980.

Please recycle

Reaffirming the need to promote and ensure respect for the principles and rules of international law, including international humanitarian law,

Reaffirming also the principles of neutrality, humanity, impartiality and independence for the provision of humanitarian assistance,

Recalling that primary responsibility under international law for the security and protection of humanitarian personnel and United Nations and associated personnel lies with the Government hosting a United Nations operation conducted under the Charter of the United Nations or its agreements with relevant organizations,

Expressing its appreciation to those Governments which respect the internationally agreed principles on the protection of humanitarian and United Nations personnel, while expressing concern over the lack of respect for these principles in some areas,

Urging all parties involved in armed conflicts, in compliance with international humanitarian law, in particular their obligations under the Geneva Conventions of 12 August 1949[2] and the obligations applicable to them under the Additional Protocols thereto of 8 June 1977,[3] to ensure the security and protection of all humanitarian personnel and United Nations and associated personnel,

Welcoming the fact that the number of States parties to the Convention on the Safety of United Nations and Associated Personnel,[4] which entered into force on 15 January 1999, has continued to rise, the number now having reached ninety, mindful of the need to promote the universality of the Convention, and welcoming the entry into force on 19 August 2010 of the Optional Protocol to the Convention on the Safety of United Nations and Associated Personnel,[5] which expands the scope of legal protection under the Convention,

Deeply concerned by the dangers and safety and security risks faced by humanitarian personnel and United Nations and associated personnel at the field level, as they operate in increasingly complex contexts, as well as the continuous erosion, in many cases, of respect for the principles and rules of international law, in particular international humanitarian law,

Stressing the importance of fully respecting the obligations relating to the use of vehicles and premises of humanitarian personnel and United Nations and associated personnel as defined by relevant international instruments, as well as the obligations relating to distinctive emblems recognized in the Geneva Conventions,

Commending the courage and commitment of those who take part in humanitarian operations, often at great personal risk, especially locally recruited staff,

Noting that, in 2011, 1,759 persons, representing 1.2 per cent of the United Nations system personnel, were affected by significant security incidents,[6] and gravely concerned by the marked increase in the number of humanitarian personnel

---

[2] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

[3] Ibid., vol. 1125, Nos. 17512 and 17513.

[4] Ibid., vol. 2051, No. 35457.

[5] Resolution 60/42, annex.

[6] See A/67/492, para. 9.

and United Nations and associated personnel affected by safety and security incidents, including an unprecedented increase in abductions in the first six months of 2012,

Expressing concern that aviation incidents were the primary cause of safety-related deaths of United Nations personnel in 2011,

Expressing profound regret at the deaths of and violent acts against international and national humanitarian personnel and United Nations and associated personnel involved in the provision of humanitarian assistance, and strongly deploring the casualties among such personnel in complex humanitarian emergencies, in particular in armed conflicts and in post-conflict situations,

Expressing deep concern at the deep and long-lasting impacts of attacks and threats against humanitarian personnel and United Nations and associated personnel,

Strongly condemning acts of murder and other forms of violence, rape and sexual assault and all forms of violence committed in particular against women and children, and intimidation, armed robbery, abduction, hostage-taking, kidnapping, harassment and illegal arrest and detention to which those participating in humanitarian operations are exposed, as well as attacks on humanitarian convoys and acts of destruction and looting of property,

Expressing deep concern that the occurrence of attacks and threats against humanitarian personnel and United Nations and associated personnel is a factor that increasingly restricts the provision of assistance and protection to populations in need,

Affirming the need for States to ensure that perpetrators of attacks committed on their territory against humanitarian personnel and United Nations and associated personnel do not operate with impunity, and that the perpetrators of such acts are brought to justice, as provided for by national laws and obligations under international law,

Recalling the inclusion of attacks intentionally directed against personnel involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter as a war crime in the Rome Statute of the International Criminal Court,[7] and noting the role that the Court can play in appropriate cases in bringing to justice those responsible for serious violations of international humanitarian law,

Reaffirming the need to ensure adequate levels of safety and security for United Nations personnel and associated humanitarian personnel, including locally recruited staff, which constitutes an underlying duty of the Organization, and mindful of the need to promote and enhance security consciousness within the organizational culture of the United Nations and a culture of accountability at all levels, as well as to continue to promote awareness of and sensitivity to national and local cultures and laws,

Gravely concerned at the high number of accidents and resulting casualties among United Nations and associated personnel, and conscious of the importance of road safety in ensuring the continuity of United Nations humanitarian operations and preventing casualties among civilians and United Nations and associated

[7] United Nations, *Treaty Series*, vol. 2187, No. 38544.

personnel, and in this regard regretting the loss of civilian life as a result of such incidents,

Stressing that acceptance of United Nations and associated personnel by the host Governments, local authorities and populations contributes to their safety and security,

Noting the importance of reinforcing close collaboration between the United Nations and the host country on contingency planning, information exchange and risk assessment in the context of good mutual cooperation on issues relating to the security of United Nations and associated personnel,

1. *Welcomes* the report of the Secretary-General on safety and security of United Nations and associated personnel;[8]

2. *Urges* all States to make every effort to ensure the full and effective implementation of the relevant principles and rules of international law, including international humanitarian law, human rights law and refugee law related to the safety and security of humanitarian personnel and United Nations personnel;

3. *Strongly urges* all States to take the necessary measures to ensure the safety and security of humanitarian personnel and United Nations and associated personnel and to respect and ensure respect for the inviolability of United Nations premises, which are essential to the continuation and successful implementation of United Nations operations;

4. *Calls upon* all Governments and parties in complex humanitarian emergencies, in particular in armed conflicts and in post-conflict situations, in countries in which humanitarian personnel are operating, in conformity with the relevant provisions of international law and national laws, to cooperate fully with the United Nations and other humanitarian agencies and organizations and to ensure the safe and unhindered access of humanitarian personnel and delivery of supplies and equipment, in order to allow those personnel to perform efficiently their task of assisting the affected civilian population, including refugees and internally displaced persons;

5. *Calls upon* all States to consider becoming parties to and to respect fully their obligations under the relevant international instruments;

6. *Also calls upon* all States to consider becoming parties to the Rome Statute of the International Criminal Court;

7. *Further calls upon* all States to consider becoming parties to the Optional Protocol to the Convention on the Safety of United Nations and Associated Personnel, and urges States parties to put in place appropriate national legislation, as necessary, to enable its effective implementation;

8. *Calls upon* all States, all parties involved in armed conflict and all humanitarian actors to respect the principles of neutrality, humanity, impartiality and independence for the provision of humanitarian assistance;

9. *Expresses deep concern* over the continued increase in threats to and deliberate targeting of and the disturbing trend of politically or criminally motivated

[8] A/67/492.

attacks against the safety and security of humanitarian personnel and United Nations and associated personnel;

10. *Welcomes* the contribution of female United Nations and associated personnel in United Nations humanitarian operations, expresses concern that in some cases these personnel are relatively more exposed to certain forms of crime and acts of intimidation and harassment, and strongly urges the United Nations system and Member States to take appropriate and gender-sensitive action for their safety and security;

11. *Strongly condemns* all threats and acts of violence against humanitarian personnel and United Nations and associated personnel, reaffirms the need to hold accountable those responsible for such acts, strongly urges all States to take stronger action to ensure that any such acts committed on their territory are investigated fully and to ensure that the perpetrators of such acts are brought to justice in accordance with national laws and obligations under international law, and urges States to end impunity for such acts;

12. *Stresses* the importance of continued close coordination and consultation with host Governments on the functioning of the security level system and related tools, and in this regard encourages the Secretary-General to continue to consult with the host Governments;

13. *Calls upon* all States to comply fully with their obligations under international humanitarian law, including as provided by the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949,[9] in order to respect and protect civilians, including humanitarian personnel, in territories subject to their jurisdiction;

14. *Also calls upon* all States to provide adequate and prompt information in the event of the arrest or detention of humanitarian personnel or United Nations and associated personnel, so as to afford them the necessary medical assistance and to allow independent medical teams to visit and examine the health of those detained, and urges them to take the necessary measures to ensure the speedy release of those who have been arrested or detained in violation of the relevant conventions referred to in the present resolution and applicable international humanitarian law;

15. *Calls upon* all other parties involved in armed conflict to refrain from abducting, taking hostage or kidnapping humanitarian personnel or United Nations and associated personnel or detaining them in violation of the relevant conventions referred to in the present resolution and applicable international humanitarian law, and speedily to release, without harm or requirement of concession, any abductee or detainee;

16. *Requests* the Secretary-General to take the necessary measures to promote full respect for the human rights, privileges and immunities of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation, and also requests the Secretary-General to seek the inclusion, in negotiations of headquarters and other mission agreements concerning United Nations and associated personnel, of the applicable conditions contained in the Convention on the Privileges and Immunities of the United Nations,[10] the

[9] United Nations, *Treaty Series*, vol. 75, No. 973.

[10] Resolution 22 A (I).

Convention on the Privileges and Immunities of the Specialized Agencies[11] and the Convention on the Safety of United Nations and Associated Personnel;

17. *Recommends* that the Secretary-General continue to seek the inclusion of, and that host countries include, key provisions of the Convention on the Safety of United Nations and Associated Personnel, among others, those regarding the prevention of attacks against members of the operation, the establishment of such attacks as crimes punishable by law and the prosecution or extradition of offenders, in future as well as, if necessary, in existing status-of-forces, status-of-mission, host country and other related agreements negotiated between the United Nations and those countries, mindful of the importance of the timely conclusion of such agreements, and encourages further efforts in this regard;

18. *Reaffirms* the obligation of all humanitarian personnel and United Nations and associated personnel to respect and, where required, observe the national laws of the country in which they are operating, in accordance with international law and the Charter of the United Nations;

19. *Stresses* the importance of ensuring that humanitarian personnel and United Nations and associated personnel are aware of and sensitive to national and local customs and traditions in their countries of assignment and communicate clearly their purpose and objectives to local populations;

20. *Requests* the Secretary-General to continue to take the necessary measures to ensure that United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation are properly informed about and operate in conformity with the minimum operating security standards and relevant codes of conduct and are properly informed about the conditions under which they are called upon to operate and the standards that they are required to meet, including those contained in relevant national laws and international law, and that adequate training in security, human rights law and international humanitarian law is provided so as to enhance their security and effectiveness in accomplishing their functions, and reaffirms the necessity for all other humanitarian organizations to provide their personnel with similar support;

21. *Also requests* the Secretary-General to continue, in coordination with Member States, to take the necessary measures to ensure that all United Nations premises and assets, including staff residences, are compliant with the United Nations minimum operating security standards and other relevant United Nations security standards;

22. *Welcomes* the ongoing efforts of the Secretary-General to ensure that all United Nations personnel receive adequate safety and security training, stresses the need to continue to improve training so as to enhance cultural awareness and knowledge of relevant law, including international humanitarian law, prior to their deployment to the field, and reaffirms the necessity for all other humanitarian organizations to provide their personnel with similar support;

23. *Also welcomes* the efforts of the Secretary-General to provide counselling and support services to United Nations personnel affected by safety and security incidents, and emphasizes the importance of making available stress management, mental health and related services for United Nations personnel

[11] Resolution 179 (II).

throughout the system, and encourages all humanitarian organizations to provide their personnel with similar support;

24. *Notes with appreciation* the ongoing measures taken by the Secretary-General and the United Nations system to enhance road safety, including through improved training and initiatives to promote road safety so as to reduce incidents caused by road hazards, and requests the Secretary-General to continue the collection and analysis of data and to report on road incidents, including civilian casualties resulting from road accidents;

25. *Welcomes* the progress made towards further enhancing the security management system of the United Nations and supports the focus on enabling the United Nations system to deliver its mandates, programmes and activities by effectively managing the risks to which personnel are exposed, and encourages the United Nations and other relevant humanitarian actors to include as part of their risk-management strategy the building of good relations and trust with national and local governments and the promotion of acceptance by local communities and all relevant actors;

26. *Encourages* the Secretary-General to continue developing enabling procedures that facilitate the deployment of suitably qualified United Nations security personnel, with the aim of improving the safety and security measures of the United Nations, in order to strengthen the ability of the United Nations to deliver on its programmes, mandates and activities, including humanitarian programmes;

27. *Requests* the Secretary-General, inter alia through the Inter-Agency Security Management Network, to continue the increased cooperation and collaboration among United Nations departments, organizations, funds and programmes and affiliated international organizations, including between their headquarters and field offices, in the planning and implementation of measures aimed at improving staff security, training and awareness, and calls upon all relevant United Nations departments, organizations, funds and programmes and affiliated international organizations to support those efforts;

28. *Calls upon* all relevant actors to make every effort to support in their public statements a favourable environment for the safety and security of humanitarian personnel and United Nations and associated personnel;

29. *Emphasizes* the need to pay particular attention to the safety and security of locally recruited humanitarian personnel, who are particularly vulnerable to attacks and who account for the majority of casualties, including in cases of kidnapping, harassment, banditry and intimidation, requests the Secretary-General to keep under review the relevant United Nations safety and security policy, operational and administrative arrangements related to locally recruited personnel, and calls upon the United Nations and humanitarian organizations to ensure that their personnel are adequately consulted on, informed about and trained in the relevant security measures, plans and initiatives of their respective organizations, which should be in line with applicable national laws and international law;

30. *Notes with appreciation* the progress reported in implementing the recommendations of the Independent Panel on Safety and Security of United Nations Personnel and Premises Worldwide;[12]

31. *Requests* the Department of Safety and Security of the Secretariat to further strengthen the analysis of threats and to continue to improve and implement an effective, modern and flexible information management capacity in support of analytical and operational requirements, including the ongoing system-wide analysis of best practices and information on the range and scope of safety and security incidents involving humanitarian personnel and United Nations and associated personnel, including attacks against them, in order to make objective and evidence-based decisions on how to reduce the risks arising in the context of United Nations-related operations;

32. *Welcomes* the work of the Secretary-General in enhancing security collaboration with host Governments, including efforts to support United Nations designated officials with regard to collaboration with host Government authorities on staff safety and security;

33. *Stresses* that the effective functioning at the country level of security operations requires a unified capacity for policy, standards, coordination, communication, compliance and threat and risk assessment, and notes the benefits thereof to United Nations and associated personnel, including those achieved by the Department of Safety and Security since its establishment;

34. *Recognizes* the steps taken by the Secretary-General thus far, and encourages further efforts to enhance coordination and cooperation, at both the headquarters and the field levels, between the United Nations and other humanitarian and non-governmental organizations on matters relating to the safety and security of humanitarian personnel and United Nations and associated personnel, with a view to addressing mutual security concerns in the field, taking into account the "Saving Lives Together" framework as well as other relevant national and local initiatives in this regard, and also encourages collaborative initiatives to address the security needs of its implementing partners, invites Member States to consider increasing support to those initiatives, and requests the Secretary-General to report on steps taken in this regard;

35. *Underlines* the urgent need to allocate adequate and predictable resources to the safety and security of United Nations personnel, through regular and extrabudgetary resources, including through the consolidated appeals process, and encourages all States to contribute to the Trust Fund for Security of Staff Members of the United Nations System, inter alia, with a view to reinforcing the efforts of the Department of Safety and Security to meet its mandate and responsibilities to enable the safe delivery of programmes;

36. *Also underlines* the need for better coordination between the United Nations and host Governments, in accordance with the relevant provisions of international law and national laws, on the use and deployment of essential equipment required to provide for the safety and security of United Nations personnel and associated personnel working in the delivery of humanitarian assistance by United Nations organizations;

---

[12] Available from www.un.org/News/dh/infocus/terrorism/PanelOnSafetyReport.pdf.

37. *Recalls* the essential role of telecommunications resources in facilitating the safety of humanitarian personnel and United Nations and associated personnel, calls upon States to consider acceding to or ratifying the Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations of 18 June 1998,[13] which entered into force on 8 January 2005, and urges them to facilitate and expedite, consistent with their national laws and international obligations applicable to them, the use of communications equipment in such operations, inter alia, by limiting and, whenever possible, expeditiously lifting the restrictions placed on the use of communications equipment by United Nations and associated personnel;

38. *Requests* the Secretary-General to submit to the General Assembly at its sixty-eighth session a comprehensive and updated report on the safety and security of humanitarian personnel and protection of United Nations personnel and on the implementation of the present resolution, including an assessment of the development, implementation and outcomes of policies, strategies and initiatives of the United Nations system in the field of safety and security.

[13] United Nations, *Treaty Series*, vol. 2296, No. 40906.